

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JASON MOOMJY, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

HQ SUSTAINABLE MARITIME  
INDUSTRIES, INC., NORBERT SPORNS  
and JEAN-PIERRE DALLAIRE, *et al.*

Defendants.

Case No. 2:11-cv-00726-RSL

CLASS ACTION

STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO FILE  
BRIEFING ON MOTIONS TO DISMISS IN  
LIGHT OF SETTLEMENT PROGRESS

NOTE ON MOTION CALENDAR:

June 15, 2012

WHEREAS Defendants in this case filed motions to dismiss (Dkt. Nos. 109, 111, and 115) on February 7, 2012 (the "Motions to Dismiss");

WHEREAS on March 13, 2012, the Parties filed a Stipulation and Order extending the time for Lead Plaintiff to file its opposition to the Motions to Dismiss from March 30, 2012 until May 25, 2012 (and for Defendants to file their replies from April 25, 2012 to June 25, 2012), because the Parties had scheduled a mediation session with mediator Jed Melnick in New York on April 24-25, 2012;

WHEREAS by stipulation and order, the deadlines for the Lead Plaintiff's opposition to the Motions to Dismiss and Defendants' replies thereto were subsequently extended to June 15,

STIPULATION AND [PROPOSED] ORDER  
EXTENDING TIME TO FILE BRIEFING ON  
MOTIONS TO DISMISS IN LIGHT OF  
SETTLEMENT PROGRESS (11-726-RSL)

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1 2012 and July 18, 2012, respectively, and the motions were re-noted for July 20, 2012 (Dkt. No.  
2 124), with no further adjournments as the Parties anticipated that there would be no need for any  
3 further adjournments;

4 WHEREAS the Parties originally participated in mediation sessions on April 24-25,  
5 2012, and, as a result of subsequent arm's-length negotiations have recently made substantial  
6 progress toward reaching an agreement to settle this action and, since the last adjournment, have  
7 resolved several key issues for purposes of the settlement;

8 WHEREAS the Parties are commencing the process of preparing drafts of the settlement  
9 agreement and papers related to preliminary approval of the settlement, notice to the class, and  
10 the hearing for final approval of the settlement, including a proposed schedule for settlement-  
11 related dates and deadlines;

12 WHEREAS further extending the time to file additional briefing on the motions to  
13 dismiss would conserve the resources of the Parties and the Court and allow the Parties to  
14 continue the significant efforts they have expended since the prior adjournment toward reaching  
15 an agreement to settle this action;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
17 the Parties that:

18 1. The time for Lead Plaintiff to file an opposition to the motions to dismiss should  
19 be extended from June 15, 2012 until August 3, 2012.

20 2. The time for HQ Sustainable Maritime Industries, Inc., Norbert Sporns, Jean-  
21 Pierre Dallaire, Ladenburg Thalmann & Co. and Roth Capital Partners, LLC to file replies in  
22 further support of their motions to dismiss should be extended from July 18, 2012 until  
23 September 7, 2012.

24 3. The motions to dismiss should be re-noted for September 7, 2012.  
25  
26

4. The Parties should be directed to file a status report with the Court within thirty (30) days.

DATED: June 15, 2012

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**[PROPOSED] ORDER**

IT IS HEREBY ORDERED that in light of the parties' progress toward settlement of this action, and to conserve the resources of the Parties and the Court, the deadline for the Lead Plaintiff to file an opposition to the pending motions to dismiss the consolidated complaint in this action (Dkt. Nos. 109, 111, and 115) is extended until August 3, 2012. The Defendants shall have until September 7, 2012 to file any replies in further support of their motions to dismiss. The motions to dismiss shall be re-noted for September 7, 2012. The parties are directed to file a status report with the Court within thirty (30) days.

DATED: This \_\_\_\_ day of \_\_\_\_\_, 2012.

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THE HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following ECF participants:

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